

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHENG-WEN CHENG,

Plaintiff,

v.

MAUTZ ET AL,

Defendant.

Case No. 3:24-cv-05572-TMC

ORDER

I. ORDER

Mr. Sheng-Wen Cheng is proceeding with a civil action *pro se* and *in forma pauperis*. On March 20, 2025, Mr. Cheng requested that the Court extend the deadline to serve Defendants to May 26, 2025 (Dkt. 23). Mr. Cheng explained that he has been transferred from federal prison to Kandiyohi County Jail where he is under the custody of U.S. Immigration and Customs Enforcement (“ICE”). *Id.* at 1–2. While under ICE custody, Mr. Cheng does not have access to any of his property, legal materials, or a law library. *Id.* at 1. But Mr. Cheng believes that by May 26, he will have been deported and regained access to his property and legal materials. *Id.* at 2.


Federal Rule of Civil Procedure 4(m) provides, “[i]f a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--

1 must dismiss the action without prejudice against that defendant or order that service be made
2 within a specified time. But if the plaintiff shows good cause for the failure, the court must
3 extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m). “Moreover, even
4 without a showing of good cause, a district court may utilize its ‘broad’ discretion to extend the
5 time for service.” *United States v. 2,164 Watches, More or Less Bearing a Registered Trademark*
6 *of Guess?, Inc.*, 366 F.3d 767, 772 (9th Cir. 2004)

7 Given Mr. Cheng’s transfer to ICE custody, the Court finds it appropriate to extend the
8 deadline for service of process and GRANTS Mr. Cheng’s motion (Dkt. 23). If Mr. Cheng fails
9 to comply with the May 26, 2025 deadline, the Court will dismiss the case without prejudice.

10 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
11 to any party appearing pro se at said party’s last known address.

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14 Dated this 28th day of March, 2025.

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16 Tiffany M. Cartwright
17 United States District Judge
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